

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of Campus Communications)
Group, Inc. for a Certificate of Convenience and)
Authority to Provide Competitive Local) Docket No. 24-CCGT-782-COC
Exchange and Interexchange Carrier Services)
Within the State of Kansas.)

ORDER AND CERTIFICATE

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and record and being fully advised in the premises, the Commission finds and concludes as follows:

I. BACKGROUND

1. On July 15, 2024, Campus Communications Group, Inc. (Campus) filed an Amended Application (Application) requesting a Certificate of Authority authorizing the company to provide point to point high speed data service and Resold and Facilities-Based Local Exchange Telecommunications Services in the State of Kansas. Campus intends to provide Competitive Local Exchange Carrier (CLEC) services in the State of Kansas within the territory served by incumbent local exchange companies that do not meet the definition of a rural telephone company.

2. The Commission Staff (Staff) submitted its Report and Recommendation dated September 3, 2024, containing its analysis and recommendation regarding Campus' Application.

3. Campus proposes to primarily provide services using its own facilities and facilities leased from other carriers as well as services for resale. It is a foreign limited liability company properly registered with the Kansas Secretary of State's office where its status is shown to be *active and in good standing*.

II. AUTHORITY AND ANALYSIS

4. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 2017 Supp. 66-1,188. Defining telecommunications public utilities, K.S.A. 2017 Supp. 104(a) provides in part that:

The term “public utility” as used in this act, shall be construed to mean every corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages through any part of the state...

K.S.A. 2017 Supp. 66-131(a) provides in part that:

No...common carrier or public utility...governed by the provisions of this act shall transact business in the State of Kansas until it shall have obtained a certificate from the corporation commission that public convenience and necessity will be promoted by the transaction of said business and permitting said applicants to transact the business of a common carrier or public utility in this state.

In determining whether the public convenience will be promoted by the transaction of said business, Staff points out that the Commission looks at a number of factors when determining whether a particular application is consistent with the public interest. Regarding such factors, Staff cites K.S.A. 2017 Supp. 66-2005(w) which provides in part that:

...telecommunications carriers that were not authorized to provide switched local exchange telecommunications services in this state as of July 1, 1996...must receive a certificate of convenience based upon a demonstration of technical, managerial and financial viability and the ability to meet quality of service standards established by the commission.

5. According to Staff’s review and analysis, Campus has the requisite technical and managerial personnel and expertise to provide point to point high speed data service and Resold and Facilities-Based Local Exchange Telecommunication Services. Staff further states that the

financial records submitted by the company support Campus' financial ability to conduct operations consistent with the authority it is proposing to provide in Kansas. Campus does not seek to provide voices services, including switched access, and therefore has not filed an intrastate fixed access tariff.

6. Based on its investigation, Staff recommended the Commission grant Campus' Application requesting Certificate authority to provide Competitive Local Exchange Carrier service in Kansas. Staff further determines that the granting of Campus' Application and issuance of the requested Certificate would be in the public interest of Kansans by providing additional fiber-based point-to-point Ethernet and high-bandwidth service for high-speed data transport to enterprise customers, communications providers, and residential customers. At the same time, Staff recommends that upon certification Campus be directed to comply with the following requirements:

- (i) File Interrogatory Reports with the Commission; remain current with the Kansas Secretary of State's office, pay all Commission and Kansas Universal Service Fund (KUSF) assessments, and follow the Telecommunications Carrier Code of Conduct.
- (ii) Register with Vantage Point Solutions, Inc., (VPS) the KUSF Administrator, for KUSF purposes within 30 days of an order granting the Campus' Application.
- (iii) Once Campus begins generating Kansas intrastate assessable retail revenue, the company, within 30 days of commencing operations, will ensure that it has made the appropriate KUSF remittance and payment election and submit the relevant Carrier Remittance Worksheets and assessment payments to (VPS).
- (iv) Immediately notify the Commission of any changes of contact personnel, address and/or phone numbers.

Campus' failure to meet the foregoing requirements could result in the revocation of its Certificate of Convenience and Authority.

III. FINDINGS AND CONCLUSION

7. Pursuant to K.S.A. 2017 Supp. 66-1,188, the Commission has jurisdiction to supervise and control telecommunications public utilities doing business in Kansas. Campus is a telecommunications public utility under K.S.A. 2017 Supp. 66-1,187 and is subject to the Commission's jurisdiction. The Commission adopts Staff's analysis and recommendation, as set forth in its Report and Recommendation, which is attached and made a part of the Order by reference and finds that Campus' Application should be granted, and a Certificate of Convenience and Authority should be issued to Campus authorizing it to engage in the business of providing Competitive Local Exchange Carrier services in the State of Kansas.

IT IS, THEREFORE, BY THE COMMISSION ORDERED AND CERTIFIED THAT:

A. Campus Communications Group, Inc.'s, Application filed in this matter on July 15, 2024, is hereby granted and it is hereby issued a Certificate of Convenience and Authority authorizing the company to provide Competitive Local Exchange Carrier services in the State of Kansas within the territories served by Southwestern Bell Telephone Company, LLC d/b/a AT&T Kansas and Brightspeed Companies of Kansas, Inc..

B. Campus Communications Group, Inc., is directed to comply with the filing, payment, and notification requirements set forth in paragraph 6 above. Failure to meet these requirements could result in revocation of the company's Certificate.

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹

¹ K.S.A. 66-1118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

D. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED AND CERTIFIED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 10/01/2024



Lynn M. Retz
Executive Director

BWB

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Hemant Bhagat, Senior Telecommunications Analyst
Steve Garrett, Deputy Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: September 3, 2024

SUBJECT: Docket No. 24-CCGT-782-COC

In the Matter of Campus Communications Group, Inc. for a Certificate of Convenience and Authority to Provide Competitive Local Exchange and Interexchange Carrier Services Within the State of Kansas.

EXECUTIVE SUMMARY

On May 31, 2024, Campus Communications Group, Inc. (Campus Communications) filed an application with the Kansas Corporation Commission (Commission) for a Certificate of Convenience and Authority (COC) to provide Competitive Local Exchange Carrier (CLEC) services and Interexchange Carrier services (IXC) in the State of Kansas within the territory served by incumbent local exchange companies that do not meet the definition of a rural telephone company. On July 15, 2024, Campus Communications filed an Amended Application, on Commission Staff's request, clarifying Campus Communications' requests for authority to provide CLEC Only services within the service territories of Southwestern Bell Telephone Company, LLC d/b/a AT&T Kansas (AT&T Kansas) and Brightspeed Companies of Kansas, Inc. (BrightSpeed) in the State of Kansas¹. The Amended application also provided confidential financial statements and Campus Communications' operating states and customer counts, that were missing in the initial filing on May 31, 2024.

The Commission Staff (Staff) recommends the Commission grant approval of this Application and grant Campus Communications a COC to provide CLEC services in AT&T Kansas and Brightspeed study areas in the State of Kansas.

¹ BrightSpeed, formerly known as CenturyLink, is comprised of the following companies: Brightspeed Broadband, LLC, Brightspeed of Eastern Kansas, Inc, Brightspeed of Southern Kansas, Inc, and Brightspeed of Western Missouri, LLC.

BACKGROUND

The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 66-1,188 and K.S.A. 66-2005(z). The Commission derives its authority to certificate and decertificate public utilities from K.S.A. 66-131. Pursuant to K.S.A. 66-131, the Commission must review all certification and decertification Applications to determine whether the "public convenience" will be promoted by granting the request.

K.S.A. 66-2005(w) states in part:

Telecommunications carriers that were not authorized to provide switched local exchange telecommunications services in this state as of July 1, 1996, including cable television operators who have not previously offered telecommunications services, must receive a certificate of convenience based upon a demonstration of technical, managerial and financial viability and the ability to meet quality of service standards established by the commission. Any telecommunications carrier or other entity seeking such certificate shall file a statement, which shall be subject to the commission's approval, specifying with particularity the areas in which it will offer service, the manner in which it will provide the service in such areas and whether it will serve both business customers and residential customers in such areas ...

The Kansas law, K.S.A. 66-1802(e), requires the operators of the following facilities to be members of Kansas 811: sanitary sewer, underground line, system or structure used for transporting, gathering, storing, conveying, transmitting or distributing potable water, gas, electricity, communication, crude oil, refined or processed petroleum, petroleum products or hazardous liquids; facility shall not include, any stormwater sewers, production petroleum lead lines, salt water disposal lines or injection lines, which are not located on platted land or inside the corporate limits of any city.

Campus Communications, a wholly owned subsidiary of Pavlov Media, Inc., is engaged in the development, installation, construction, and maintenance of communication networks within multi-dwelling residential units² in the United States. The Company has built and operated municipal fiber networks in 27 cities providing information services, internet access, and television subscription services.

Campus Communications, headquartered in Champaign, Illinois, was Incorporated in Delaware in July 2001.³ The Company registered with the Kansas Secretary of State's office on March 9, 2018, as a Foreign For-Profit Company and is "active and in good standing."⁴

ANALYSIS

Campus Communications proposes to offer CLEC service through facilities-based and resold local exchange services and facilities-based point-to-point Ethernet and high-bandwidth services for high-speed data transport. The Company proposes to build a fiber-based network to customer

² Amended Application, Exhibit 1.

³ Amended Application, Exhibit 6.

⁴ State of Kansas, Office of the Secretary of State. Last checked 8/23/2024.
<https://www.sos.ks.gov/eforms/BusinessEntity/Search.aspx>

locations to provide services to enterprise customers, communications providers and residential customers.⁵ The Company does not intend to provide switched access service or services that require interconnection agreements in Kansas at this point; however, Campus Communications will seek Commission approval of interconnection agreements and file intrastate access tariff in the event it plans to offer such services in the future.

The Company currently operates in 17 states and has had 7,384 customers in the past 5-years that include enterprise and residential customers and communications providers.⁶ Campus Communications stated it will perform network and equipment maintenance necessary to ensure compliance with quality-of-service requirements and comply with applicable Commission rules, regulations and standards to provide safe, reliable and high-quality services in Kansas.

Campus Communications proposes to manage operations in Kansas through its current management team from Champaign, Illinois and Tallahassee, Florida locations and does not plan to have personnel in Kansas. The Company identified its Chief Executive Officer, President, Secretary, and Directors and provided its regulatory contact's name and contact information.⁷ The management team has experience with finance, management, marketing, customer operations, and network and field operations, including maintenance, engineering, and design.⁸

The Company also provided confidential audited Financial Statements for the years 2020 and 2021, and unaudited financial statements for 2022 and 2023. Staff reviewed the financial statements and was satisfied with the Company's financial operations.

Campus Communications had a few violations in the states of Illinois and Texas relating to damage to underground utility facilities. A Notice of Violation was issued to Campus by Illinois Commerce Commission for violation of Section 4(b) of the Illinois Underground Utility Facilities Damage Prevention Act and was assessed a penalty of \$787.50 on June 4, 2021, and \$675 on September 15, 2021. Campus Communications has a Stipulation, Agreed Settlement, and Consent Order pending before the Texas Railroad Commission in Damage Prevention Docket 082082 relating to damage to an underground pipeline. Campus Communications has accepted a proposed penalty of \$1,000 and submitted the payment. Campus Communications is required to follow the Kansas law K.S.A. 66-1802(e) that requires the operators to be members of Kansas 811.⁹

Based on Staff's review of Campus Communications' Amended Application and Exhibits, Staff believes the Company has the managerial, technical, and financial ability to provide services in Kansas. To the extent that the Company's presence in Kansas will increase consumer options for services, Staff believes the general public would benefit from Commission approval of this Application.

The granting of such authority conveys certain rights and privileges upon Campus Communications, in its designation as a CLEC in Kansas. While CLECs may also provide other services, such as VoIP, broadband, or wireless, these service offerings are beyond the scope of a

⁵ Amended Application, Exhibit 2.

⁶ Amended Application, Exhibit 4.

⁷ Amended Application, p.4.

⁸ Amended Application, Exhibit 3.

⁹ <https://forms.kansas811.com/>

CLEC COC. To the extent that a CLEC provides non-regulated services, the CLEC's public utility status that conveys certain benefits, rights (including eminent domain) and privileges for local exchange and interexchange services are not conveyed to those non-regulated services.

RECOMMENDATION:

Staff recommends the Commission issue an order granting a Certificate of Convenience and Authority to Campus Communications to provide CLEC service in AT&T Kansas and Brightspeed study areas in the state of Kansas. The Commission should direct the Company to register with Vantage Point Solutions, the Kansas Universal Service Fund (KUSF) Administrator, within 30 days of an Order granting the Company's Application, through the appropriate KUSF remittance and payment election via the Company Identification and Operations. Within 30 days of generating Kansas intrastate assessable retail revenue, the Company shall submit the relevant Carrier Remittance Worksheets and assessment payments to VPS.

Campus Communications should be reminded to notify the Commission immediately of any change in address or contact information, file timely Annual Interrogatories, maintain current registration with the Kansas Secretary of State's Office, and pay all Commission and Kansas Universal Service Fund assessments in a timely manner.

CERTIFICATE OF SERVICE

24-CCGT-782-COC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 10/01/2024.

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/S/ KCC Docket Room

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